

Date

Ms. Ramona E. Anders
Police Chief
Village of Hosston Police Department
P.O. Box 206
Hosston, LA 71043

**Re: Louisiana Board of Ethics Docket No. 2021-1001
Advisory Opinion**

Dear Chief Anders:

The Louisiana Board of Ethics (“Board”), at its February 4, 2022 meeting, considered your request for an advisory opinion regarding whether the Code of Governmental Ethics (“Code”) would prohibit your husband from volunteering to serve as a patrolman while you are the Police Chief of the Village of Hosston.

FACTS PROVIDED

You stated that your spouse, Michael Anders, would like to volunteer to serve as a Hosston Reserve Officer. His title would be patrolman. You provided that his duties, as a volunteer patrolman, would be to back you and any other patrol officers up and assist in any other police matters. You stated that this would be an unpaid position with the Village of Hosston approved by the Village Board of Aldermen.

LAW

La. R.S. 42:1102(3) defines “agency head” to mean the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency.

La. R.S. 42:1102(18)(a) defines “public employee” to mean anyone, whether compensated or not, who is (i) an administrative officer or official of a governmental entity who is not filling an elective office. (ii) appointed by any elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof. (iii) engaged in the performance of a governmental function. (iv) under the supervision or authority of an elected official or another employee of the governmental entity

La. R.S. 42:1119A states that no member of the immediate family of an agency head shall be employed in his agency.

ANALYSIS

La. R.S. 42:1119A of the Code prohibits a public employee from being employed in an immediate family member's agency. La. R.S. 42: 1102(18)(a) of the Code provides that an individual may be a public employee whether compensated or not. Under the facts presented herein, your husband would be an uncompensated employee as a volunteer patrolman in your agency.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit your husband from serving as a volunteer patrol officer for the Village of Hosston while you serve as the Police Chief.

Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Suzanne Quinlan Mooney
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.